

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RAYMOND F. WEGNER and
JULIE M. WEGNER,

Defendants.

Case No. 4:04-cr-0010-RRB

ORDER MODIFYING
CONDITIONS OF SENTENCE

Before the Court are Defendants with a Motion to Modify Conditions of Sentence at Docket 136. Defendants are asking the Court to modify a condition of their probation.

Although the probationary sentence imposed in this matter is final, the conditions of probation are subject to modification. Moreover, at any time after one year of probation, the Court may terminate or discharge a defendant from probation if it be in the interest of justice. 18 U.S.C. § 3564(c).

In the instant case, after considering all of the factors raised by Defendants, as well as those factors set forth in 18 U.S.C. § 3553, the Court concludes that the modification of

probation sought by Defendants is appropriate, providing Defendants continue to strictly abide by all of the remaining conditions of probation, and further, providing that the amount of their gross monthly salary paid toward restitution be raised to 15%. This places greater emphasis on restitution, while reducing restrictions on Defendants' lifestyles. The Court finds this to be in the interest of justice. The parties must understand, however, that the halfway house condition can be re-imposed by the Court if the Defendants fail in any way to strictly abide by their other conditions of probation. Furthermore, and as a reminder, the Defendants need to be completely forthright with the probation officer.

Therefore, for the reasons set forth above, the Court hereby **MODIFIES** Defendants' conditions of probation to remove the halfway house condition. The Court further modifies Defendants' conditions of probation to provide that Defendants pay 15% of their gross monthly salaries toward restitution.

ENTERED this 11th day of January, 2008.

S/RALPH R. BEISTLINE
UNITED STATES DISTRICT JUDGE